

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action, the Examiner rejected claims 1, 4, 5, 10, 11, 13, 14, 19-22, and 27 under 35 USC § 102 (b) as being anticipated by Lu (U.S. Patent No. 5,991,346); claim 2 under 35 USC § 103 (a) as being unpatentable over Lu (U.S. Patent No. 5,991,346) in view of Serfaty (U.S. Patent No. 4,651,026); and claims 3 and 12 under 35 USC § 103 (a) as being unpatentable over Lu (U.S. Patent No. 5,991,346) in view of Roberts (U.S. Patent No. 4,575,683). In addition, the Examiner objected to claims 6-9, 15-18, and 23-26 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. These rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-5, 10-14, 19-22, and 27.

2. Claims 1, 4, 5, 10, 11, 13, 14, 19-22, and 27 have been rejected under 35 USC § 102 (b) as being anticipated by Lu (U.S. Patent No. 5,991,346).

Independent claims 1, 11, and 21 have been amended to include the limitation of updating the determined sampling point based on a difference between the system symbol rate and the transmit symbol rate. Lu does not teach or suggest updating the determined sampling point. Accordingly, the applicant believes that claims 1, 11, and 21 overcome the present rejection.

Claims 4, 5, and 10 are dependent upon claim 1, claims 13, 14, and 19 are dependent upon claim 11, and claims 22 and 27 are dependent upon claim 21. Since each of the dependent claims introduce additional patentable subject matter with respect to the independent claim, the applicant believes that claims 4, 5, 10, 13, 14, 19, 22, and 27 overcome the present rejection.

3. Claim 2 has been rejected under 35 USC § 103 (a) as being unpatentable over Lu (U.S. Patent No. 5,991,346) in view of Serfaty (U.S. Patent No. 4,651,026).

Claim 2 is dependent upon claim 1, which has been shown to overcome its corresponding rejection. Since Lu fails to anticipate or render claim 1 obvious, combining the teachings of Lu with Serfaty fails to render claim 2 obvious.

4. Claims 3 and 12 have been rejected under 35 USC § 103 (a) as being unpatentable over Lu (U.S. Patent No. 5,991,346) in view of Roberts (U.S. Patent No. 4,575,683).

Claim 3 is dependent upon claim 1, which has been shown to overcome its corresponding rejection, and claim 12 is dependent upon claim 11, which has been shown to overcome its corresponding rejection. Since Lu fails to anticipate or render claim 1 or 11 obvious, combining the teachings of Lu with Roberts fails to render claim 3 or 12 obvious.

For the foregoing reasons, the applicant believes that claims 1-27 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF MAILING

37 C.F.R. 1.8

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